

EXHIBIT "B"

ORDINANCE NO. 3168

AN ORDINANCE AMENDING CHAPTER 19.07 OF TITLE 19 OF  
THE SAN LUIS OBISPO COUNTY CODE  
IN ORDER TO IMPLEMENT NEW PROCEDURES FOR  
SEWAGE DISPOSAL SYSTEMS

WHEREAS, California Health and Safety Code, Sections 18941.5 and 17958.5 authorizes the Board of Supervisors to make modifications or changes to the California Building Standards Code, including adopting more restrictive building standards, as it determines are reasonably necessary because of local climatic, geological, or topographical conditions;

WHEREAS, California Health and Safety Code Section 17958.7 requires the Board of Supervisors to make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions;

WHEREAS, the County of San Luis Obispo relies on local ground and surface water for its local water supplies; and

WHEREAS, drought conditions are common occurrences within the County of San Luis Obispo and the surrounding areas; and

WHEREAS, local geological conditions present unique geophysical hazards; and

WHEREAS, the Board of Supervisors finds that each of the changes or modifications to measures referred to herein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the County of San Luis Obispo, and the Board of Supervisors further finds that the following findings support the local necessity for the changes or modifications:

**FINDING**

Geological: San Luis Obispo County has areas that are considered un-buildable due to high groundwater or shallow bedrock. The features cause a problem for the installation of conventional sanitary sewage disposal systems. Modern technology has created many types of alternative septic systems to mitigate these problem areas. These systems are more complicated than a conventional septic system, but do provide an avenue for development and safely eliminate sewage. These systems all utilize mechanical devices that can clog, wear-out, or cease to function properly with time. All of these advanced systems require periodic inspection and maintenance to insure they are operating properly. If these systems are not maintained properly an eventual failure will create an unhealthy condition with sewage surfacing either in the residence or upon the ground. A prescribed mechanism must be in place to ensure proper maintenance occurs on time. The above described situations support the imposition of alternative septic system requirements set forth in sections 19.07.015 and 19.07.023 of the San Luis Obispo County Code.

NOW THEREFORE The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1: Section 19.07 of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended by adding new section 19.07.015, **Definitions**, as follows:

**19.07.015- Definitions.**

- a. **Alternate Sewage treatment system:** An on-site treatment system that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to achieve acceptable dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources. (e.g., at sites where high ground water, low permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater). Components that might be used in alternative systems include mounds and pressure and drip distribution systems.
- b. **Bedrock:** any consolidated rock, either weathered or not, which usually underlies alluvium, collovium, topsoil, residual soil or fill. Bedrock would include sedimentary rocks, metamorphic rock and igneous rocks.
- c. **Community Sewage Disposal System:** A residential wastewater treatment system for more than five units or more than five parcels; or commercial, industrial or institutional system that treats 2,500 gallons or more of domestic/sanitary wastewater per day (peak daily flow.)
- d. **Conventional Treatment System:** a wastewater treatment system consisting of a septic tank and subsurface wastewater infiltration system.
- e. **Engineered Design:** An onsite or cluster system that is designed to meet specific performance requirements for a particular site as certified by a licensed professional engineer or other qualified and licensed or certified person.
- f. **Groundwater:** Water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.
- g. **Impervious Layer:** Soil that has a percolation rate slower than one hundred twenty minutes to the inch, or having a clay content of sixty percent or greater.
- h. **Maintenance:** The work related to the upkeep of the septic system. Examples include but are not limited to: pumping of the septic tank, any installation, repair or replacement of septic tank baffles, risers, ells, tops, access ports, pumps or blowers.
- i. **On-Site Wastewater Treatment System (OWTS):** A system relying on natural processes and/or mechanical components that is used to collect, treat, and disperse/discharge wastewater from single dwellings or buildings.

- j. **Operating Permit:** A renewable and revocable permit to operate and maintain an onsite or cluster treatment system in compliance with specific operational or performance requirements.
- k. **Qualified Contractor:** Is any contractor holding a license in good standing from the Contractors State License Board for Plumbing (C-36), Sanitation System (C-42), or General Engineering Contractor (A). A contractor holding a license as General Building Contractor (B) shall be considered a qualified contractor when constructing, modifying, or abandoning an on-site sewage treatment system as part of a larger construction project involving a new structure or major addition to an existing structure.
- l. **Qualified Inspector:** Is any Registered Environmental Health Specialist, Registered Civil Engineer, Contractor holding a license classification from the California Contractors State License Board for Plumbing (C-36), Sanitation Systems (C-42), or General Engineering Contractor (A), or an individual who has satisfactorily completed training in an on-site sewage system inspection and certification program approved by the building official.
- m. **Qualified Professional:** Any individual who possesses a current Registered Environmental Health Specialist (REHS) certificate or is currently licensed as a professional engineer or professional geologist.
- n. **Qualified Service Provider:** Any person capable of operating, monitoring and maintaining an OWTS consistent with the requirements of this section and the Operation and Maintenance manual or capable of inspecting an OWTS in accordance with this section, or has a current certificate from an approved training program, or is approved by the building official.
- o. **Registered Environmental Health Specialist (REHS):** An Environmental Health Specialist currently registered by the State of California.
- p. **Registered Pumper:** Is any person or firm that pumps and or hauls septage and has been issued a registration by the director of Environmental Health.
- q. **Reservoir:** A pond, lake, basin, or other space, either natural or created, in whole or in part, by the building of engineered structures other than sealed storage tanks constructed of impervious metal or synthetic materials , which is used for storage, regulation, and control of water, for recreation, power, flood control or drinking. For the purposes of this chapter, the term reservoir does not include small and shallow structures or basins for the temporary detention of storm water runoff from on-site roof drains and paved areas, provided there is no flow at any time between the structure or basin and any sewage disposal system.
- r. **Supplemental Treatment System (Also referred to as Enhanced Treatment Systems):** An onsite sewage treatment system that utilizes engineered design and / or technology to treat effluent and to reduce one or more constituents of concern in wastewater.

- s. **Surface Waters:** A concentration of freshwater or seawater, the surface of which is in direct contact with the atmosphere, including reservoirs and watercourses as defined in this section, as well as wetlands and ocean bays.
- t. **Watercourse:** A natural or artificial channel for passage of water. There must be a stream usually flowing in a particular direction (though it need not flow continuously) usually discharging into some stream or body of water.

SECTION 2: Section 19.07.020 of Title 19 of the San Luis Obispo County Code Building and Construction, is hereby amended to read as follows:

**19.07.020-Sewage Disposal Systems.** The design and installation of sewage disposal systems within the unincorporated areas of San Luis Obispo County are subject to the provisions of the following sections:

19.07.022 **Private Sewage Disposal Systems**

19.07.023 **Alternative and Supplemental Treatment Systems**

19.07.024 **Community Sewage Disposal Systems**

SECTION 3: Section 19.07.022 of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended by revising subsection b (1) to read as follows:

- (1) **Percolation tests.** Percolation tests may be required by the building official pursuant to Appendix B of this section.

SECTION 4: Section 19.07. of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended by adding new section 19.07.023, **Alternative and Supplemental Treatment Systems**, as follows:

#### **19.07.023 – Alternative and Supplemental Treatment Systems**

- a. **Alternative Systems.** An on-site treatment system that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to achieve acceptable dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources. (e.g., at sites where high ground water, low permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater). Components that might be used in alternative systems include mounds and pressure and drip distribution systems.
- b. **Supplemental Treatment System.** An onsite sewage treatment system that utilizes engineered design and/or technology to treat effluent and reduce one or more constituents of concern in wastewater. Supplemental treatment systems include, sand filters, aerobic treatment units, and disinfection devices. A supplemental treatment system shall be required in each of the following locations:
  - (1) On a site where geologic conditions permit water migration.

- (2) In any area determined by the Regional Water Quality Control Board, County Environmental Health or the Board of Supervisors to be experiencing surface or groundwater degradation caused in part by on-site wastewater treatment systems.
- c. **Permit Required for Alternative and Supplemental Treatment Systems.** Alternative systems, systems providing supplemental treatment and systems in specific areas of concern as identified by the Board of Supervisors or the Regional Water Quality Control Board (RWQCB), shall require an operating permit, which shall be issued by the building official subsequent to the final inspection approval of the system. All on-site wastewater treatment systems requiring operating permits shall be operated, maintained and monitored pursuant to the requirements of this section and conditions of the operating permit. The operating permit shall be renewed every year. A report containing all the information specified in the operating permit shall be submitted to the building official annually. The building official may suspend or revoke an operating permit for failure to comply with any requirement of the permit. If a permit is suspended or revoked, operation of the system shall cease until the suspension or revocation is lifted or a new permit issued. Upon change of ownership, the operating permit shall be terminated and the new owner shall obtain an operating permit within sixty days.
- d. **Recorded Notice Required for Alternative and Supplemental Treatment Systems.** Prior to final inspection approval of an on-site system with alternative components or supplemental treatment, a "Notice of Installation of an Alternative or Supplemental On-Site Wastewater Treatment System" shall be recorded with the San Luis Obispo County Clerk-Recorder's office and shall be placed with the deed of record. This notice shall inform future owners, heirs, executors, administrators or successors that the subject property is served by an alternative or supplemental treatment system and shall bind current and future owners to maintain an operating permit and comply with all established monitoring, reporting, inspection, and maintenance requirements of that operating permit.
- e. **Operation and Maintenance Manual Required for Alternative and Supplemental Treatment Systems.** The owner of a site on which a new Alternative or Supplemental OWTS is installed or an existing OWTS is replaced or significantly repaired with an Alternative or Supplemental treatment system, shall have an Operation and Maintenance manual prepared by a Qualified Professional. The Operation and Maintenance manual shall include, at a minimum:
- (1) The name, address, telephone number, business and professional license of the OWTS designer;
  - (2) The name, address, telephone number, business and professional license, where applicable, of the OWTS installer;
  - (3) The name, address, and telephone number of the Qualified Service Provider, where applicable;
  - (4) Instructions for the proper operation and maintenance and a protocol for the assessing the performance of the OWTS;

- (5) A copy of the as-built (accurate) plans for the OWTS and a inspection report by the Qualified Professional that the system complies with all applicable regulations;
- (6) The design flow and performance requirements for the OWTS;
- (7) A list of substances that could inhibit performance if discharged into the OWTS, including any biocide and;
- (8) A list of substances that could cause a condition of pollution or nuisance if discharged to the OWTS, including but not limited to pharmaceutical drugs and water softener regeneration brines.

f. **Alternative Systems.** The following general requirements apply to all alternative systems.

- (1) All OWTS systems in which pumps are used to move effluent shall be equipped with a visual and audible alarm. Telemetric alarm systems which alert the owner or service provider in the event of pump failure are also recommended. All pump systems shall, at a minimum, provide for storage in the pump chamber during a 24-hour power outage or pump failure and shall not allow an emergency overflow discharge. All pumped systems shall be designed by a qualified professional.
- (2) The building official and the RWQCB shall adopt and periodically update design standards for alternative systems.
- (3) The owner shall monitor and maintain the system under the direction of a Qualified Service Provider, as required by the Operation and Maintenance manual.
- (4) Proposed operation, maintenance and monitoring specifications shall be submitted along with proposed plans and permit application for alternative systems.
- (5) The property owner shall submit a County of San Luis Obispo Septic Tank Inspection Report, prepared by the Qualified Service Provider, a minimum of once a year. The report shall include: The results of the annual inspection, a check of the alarm system, and any other requirements specified by the building official. Reports shall be submitted within 30 days of the completion of the inspection.
- (6) Alternative systems shall be designed in conformance with currently adopted state guidelines or other guidelines jointly approved by the Regional Water Quality Control Board and the building official. The county shall inspect each system during the construction phase as described in this section. In addition, the Qualified Professional who designed the system shall submit to the building official a letter indicating the Alternative system has been constructed per the approved plans.

g. **Supplemental Treatment Systems.** Supplemental treatment systems shall comply with the following:

- (1) The building official shall review and approve the method of supplemental treatment proposed prior to construction. Treatment systems shall be listed by an independent testing agency, such as IAPMO, ANSI, NSF, or similar and shall conform to the standards adopted by the county.
- (2) A supplemental treatment system shall be capable of removing a minimum of 85% of Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD), and Total Nitrogen (TN). In addition, the residual concentration of TSS and BOD, shall not exceed 30 mg/L. and TN shall not exceed 15 Mg/L. The listing agency shall certify that the system can continually meet these performance standards over a thirty day period.
- (3) Operation, maintenance and monitoring specifications shall be provided for review and approval for any supplemental treatment system. The manufacturer's maintenance requirements shall be incorporated into the mandatory conditions of the operating permit.
- (4) The property owner shall comply with all maintenance requirements of the manufacturer and shall ensure that a Qualified Service Provider, Qualified Professional or manufacturer's representative conducts a visual and operational inspection of the system a minimum of once a year or more frequently if required by the manufacturer to determine if the system is functioning properly.
- (5) The property owner shall submit a report, prepared by a Qualified Professional, or Manufacturer's Representative, a minimum of once a year, and within thirty days of inspection. The report shall include: verification that all manufacturer's maintenance requirements have been completed, the results of all inspections, analysis of the wastewater from the inspection ports for TSS, BOD, and TN, a concluding statement that the system is functioning properly, and if not, what needs to be repaired or replaced and when it should be completed.

**SECTION 5:** Appendix B to Chapter 19.07 of Title 19 of the San Luis Obispo County Code, Building and Construction, as set forth in Section 19.07.025 of that Chapter and Title, is hereby amended by adding section d to Appendix B, as follows:

d. **Exploratory Borings.** An exploratory boring is a hole excavated or drilled in the area where the disposal field is proposed in order to determine the type of soil, moisture content, and depth of the seasonal high water table or impervious material.

- (1) All borings must extend to a minimum depth of ten feet below the bottom of the proposed disposal system so as to determine the depth of the water table, bedrock, and all impervious material within ten feet of the bottom of the disposal system. Minimum depth of any boring is 15 feet or stated refusal.

- (2) When percolation results are faster than 1 minute an inch, the exploratory boring shall be drilled to a depth of 50 feet below the depth of the proposed disposal system. For percolation results between 1-4 minutes an inch, the boring shall be drilled to a depth of 20 feet below the proposed disposal system.
- (3) A log of the soil profile shall be conducted and included as part of the written percolation test.
- (4) All borings used to check for groundwater shall stay open a minimum of 24 hours prior to the final reading and groundwater check. Water levels are to be recorded at the highest discovered level following the 24 hour period. If any groundwater is encountered that may affect the subsurface sewage disposal, an evaluation by a qualified professional, shall be given in the conclusion section of the percolation report.
- (5) Measurements of depth to seasonal high groundwater shall be conducted from November 1<sup>st</sup> to April 1<sup>st</sup> unless otherwise specified by the building official.
- (6) In areas with seasonal high groundwater, a groundwater level monitoring well shall be installed to a minimum depth of ten feet in the area of a proposed wastewater dispersal system. Groundwater monitoring wells shall be a minimum of 3 inch PVC pipe and shall have a removable cap. The top 18 inches around the pipe shall be sealed with Bentonite or other suitable sealer to prevent surface pollutants from intruding into the well. Below 18 inches, the pipe shall be perforated. Monitoring wells shall not be deeper than 15 feet, unless required by the building official. If an impermeable layer is present at a depth of less than ten feet below the ground surface, the depth of the groundwater level monitoring well shall be decreased to the depth of the impermeable layer.

SECTION 6. Section 19.07.030 of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended by revising subsection b, to read as follows:

**19.07.030 Toilet Facilities for Workers Required.**

- b. The number of toilet facilities to be provided shall be in accordance with Table 19.07.030(b). It shall be the responsibility of each employer to provide toilet facilities sufficient for the number of his own employees.

SECTION 7. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all



comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 8: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 9: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the 4th day of November, 2008, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 25th day of November, 2008, by the following roll call vote, to wit:

AYES: Supervisors K.H. 'Katcho' Achadjian, Jerry Lenthall, Harry L. Ovitt, Bruce S. Gibson, and Chairperson James R. Patterson

NOES: None

ABSENT: None

ABSTAINING: None

JAMES R. PATTERSON

Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:


JULIE L. RODEWALD  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL] **C.M. CHRISTENSEN**

By: \_\_\_\_\_ -9-  
Deputy Clerk

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM:

WARREN R. JENSEN  
County Counsel

By:   
Deputy County Counsel

Dated: 10/23/08